Third Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction

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Consideration of submissions of States Parties as provided for in Article 5

Analysis of the request submitted by the Democratic Republic of the Congo for an extension of the deadline for completing the destruction of anti-personnel mines in accordance with Article 5 of the Convention

Submitted by the President of the Thirteenth Meeting of the States Parties on behalf of the States Parties mandated to analyse requests for extensions

1. The Democratic Republic of the Congo ratified the Convention on 2 May 2002. The Convention entered into force for the Democratic Republic of the Congo on 1 November 2002. In its initial transparency report submitted on 30 April 2003, the Democratic Republic of the Congo reported areas under its jurisdiction or control containing, or suspected to contain, anti-personnel mines. The Democratic Republic of the Congo was obliged to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control by 1 November 2012. The Democratic Republic of the Congo, believing that it will be unable to do so by that date, submitted a request to the 2011 Eleventh Meeting of the States Parties (11MSP) for a 26 month extension of its deadline, until 1 January 2015. The 11MSP agreed unanimously to grant the request.

2. In granting the Democratic Republic of the Congo's request in 2011, the 11MSP, while noting that it may have been unfortunate that after almost ten years since entry into force a State Party was unable to account for what remains to be done, it was positive that the Democratic Republic of the Congo intended to take steps to garner an understanding of the true remaining extent of the challenge and to develop plans accordingly that precisely project the amount of time that will be required to complete Article 5 implementation. In this context, the 11MSP noted the importance of the Democratic Republic of the Congo requesting only the period of time necessary to assess relevant facts and develop a meaningful forward looking plan based on these facts. The 11MSP further noted that, by requesting a 26 month extension, the Democratic Republic of the Congo was projecting that it would need approximately two years from the date of submission of its request to obtain clarity regarding the remaining challenge, produce a detailed plan and submit a second extension request.

3. On 7 April 2014 the Democratic Republic of the Congo submitted to the President of the Thirteenth Meeting of the States Parties (13MSP) a request for an extension of its 1

January 2015 deadline. The Democratic Republic of the Congo's request is for six years, until 1 January 2021.

4. The request indicates, as did the request granted in 2011, that the Democratic Republic of the Congo's understanding of the original challenge at entry into force included 182 suspected hazardous areas. Added to these were 722 suspected mined areas reported by national and international operators with the baseline used to describe the original challenge totalling 904 suspected hazardous areas. The request indicates, as did the request granted in 2011, that initial survey efforts were mostly carried out on the basis of misconceptions, were often uncoordinated and were not carried out by adequately-qualified staff. This led to overestimations of the number and dimension of areas suspected to contain anti-personnel mines and other explosive remnants of war (ERW).

5. The request indicates that the remaining challenge as noted in the previous request included, after "data base cleanup," which took place during the period of 2010-2012, 82 mined areas which included 12 confirmed hazardous areas in which clearance would be carried out and 70 suspected hazardous areas in which technical survey would be carried out. The request also indicates, as did the request granted in 2011, that the Democratic Republic of the Congo carried out General Mine Action Assessment (GMAA) and General Mine Action Survey (GMAS) activities with a view to provide a new baseline of contamination in the Democratic Republic of the Congo. The request further indicates that the GMAS started in April 2009 and was due to be completed at the end of 2012 and that, in terms of the GMAS and GMAA activities to be carried out, 121 of the 145 territories of the Democratic Republic of the Congo remained to be surveyed. The request further indicates that because the General Survey had not been completed in the entire territory, it was difficult at the time to offer an accurate account of what remained to be done. The request further indicates that, in addition to this, the Democratic Republic of the Congo committed to carry out non-technical survey of areas reported through surveys initially carried out by demining organizations and to carry out technical survey of the 182 mined areas and of any new areas that would have been identified during non-technical survey efforts, among other activities.

6. The request indicates that, after systematic verification of the 82 mined areas, 13 areas, measuring approximately 522,544 square metres, were categorised as confirmed hazardous areas and 69 areas, measuring 13,610,804 square metres, were categorised as suspected hazardous areas. The request indicates that, over the course of the extension period, 19 mined areas measuring 7,903,465 square metres were addressed with a total of 162 mines destroyed over the course of 2011-2013. These 19 mined areas include 2 of the 13 confirmed hazardous areas which were cleared, leaving 11 confirmed hazardous areas, measuring approximately 500,882 square metres, to be addressed. In addition, 17 of the 69 suspected hazardous areas were technically surveyed and released, leaving 52 suspected hazardous areas measuring approximately 1,869,521 square metres, to be addressed. The request further indicates that during the course of the extension period, the city of Kinshasa and the Bandundu and Bas Congo Province were declared free of anti-personnel mines.

7. The request indicates that, since the Democratic Republic of the Congo's initial request was granted, GMAS and GMAA activities continued and during ongoing GMAA activities 13 new suspected hazardous areas measuring 350,603,587 square metres were identified. The request further indicates that the database now contains records of 76 areas resulting of GMAS and GMAA operations.

8. The request indicates that the Democratic Republic of the Congo, taking into account the short time remaining before its 1 January 2015 extended deadline, noted that the vastness of the country, weather constraints and specifically the difficulties of access due to road infrastructure led to the GMAS and GMAA survey methodologies taking a long time and evaluated that while progress was too slow, additional teams were also too

expensive. The request further indicates that for these reasons the Democratic Republic of the Congo decided to discontinue the GMAA and GMAS process and established a National Survey on Anti-Personnel Mine Contamination, which was also combined with a survey of cluster munition remnants.

9. The request indicates that the National Survey on Landmine and Cluster Munition Contamination in the Democratic Republic of the Congo was originally scheduled to be carried out between 1 May 2013 and 31 October 2013 but was extended until 31 December 2013. Four international operators (MAG, NPA, HI and DCA) and five national organisations (CRRDC, ADIC, BADU, and SYLAM AFRILAM) took part in the process. The request indicates that the survey collected information from more than 4,000 people in 142 meetings in 8 provinces, 14 districts and 40 territories. The request further indicated that a total of 403 suspected hazardous areas were surveyed.

10. The States Parties mandated to analyse requests submitted under Article 5 of the Convention (hereafter referred to as "the analysing group") noted the decision of the Democratic Republic of the Congo to discontinue the GMAS and GMAA methodologies which were found to be too slow, too expensive and difficult to implement on a territory of the size of the Democratic Republic of the Congo. In this regard, the analysing group noted that this decision led to more efficient efforts on the part of the Democratic Republic of the Congo to obtain clarity on the remaining challenge.

11. The request indicates that the National Survey on Landmine and Cluster Munition Contamination was carried out using the following methodology: (a) a study of the results of all GMAS and GMAA activities; (b) analysis of evidence of conflicts or movements of troops in each portion of the territory remaining to be controlled; (c) meetings targeting provincial authorities, administrators of territories, mayors of municipalities, traditional chiefs, village chiefs and targeted population groups; (d) deployment of non-technical survey teams in areas identified during meetings, with survey teams being composed of members of national organisations, marking of dangerous areas and conduct of mine risk education sessions; and (e) final data analysis and mapping of contamination map based on survey activities. The request also indicates that 99 per cent of identified suspected mined areas were marked during the process. The request further indicates that mine awareness and mine risk education trainings were organised in villages visited by the survey teams with approximately 27,000 men, women, boys and girls reached. The analysing group noted that it was positive that the Democratic Republic of the Congo, in accordance with its obligations under Article 5.2, had marked suspected areas and took measures to warn populations of the risks posed by mines.

12. The request indicates that, in the process of execution of the National Survey of Landmine and Cluster Munition Contamination, survey teams cancelled areas after analysis of the history of the conflict and confirmation of the use of land, as well as when a minimum of 10 people of the village certified that no contamination existed in the village. The request indicates that of the 403 suspected hazardous areas surveyed, 238 were cancelled, with no contamination confirmed based on information provided by respondents. The request also indicates that, in the process, 54 new areas were identified as suspected hazardous areas measuring an estimated 411,050 square metres in 7 provinces, with the Equateur Province being the most heavily contaminated. The analysing group noted that it was unclear if these 54 areas were classified as suspected hazardous areas in accordance with the guidance provided by the United Nations' International Mine Action Standards, which state that "areas presenting only indirect evidence of the presence of mines/ERW should be classified as suspected hazardous areas" and that "fear on its own is not legitimate evidence of contamination", with fear needing "to be substantiated with other evidence before an area is defined as a suspected hazardous area."

13. The request indicates that in order to assess the extent and type of contamination, the data collected by the GMAS and GMAA was extracted from Information Management System for Mine Action (IMSMA) and were exported and merged with the data collected during the National Survey on Landmine and Cluster Munition Contamination. The request also indicates that after analysis and a careful study, data recorded in IMSMA corresponded to 76 mined areas measuring a total of 1.4 million square metres. The request also indicates that these areas from the database were added to the new data from the national contamination survey. The request further indicates that there are a total of 130 mined areas that have been identified, measuring an estimated 1.8 million square metres. These areas do not take into account the territories of Aru and Dungu in the Oriental Province, which were not surveyed due to security reasons. The analysing group noted that a nation-wide non-technical survey enabled the Democratic Republic of the Congo to collect the information necessary to garner an understanding of the true remaining extent of the challenge. The analysing group also noted that it was positive that the work carried out by the Democratic Republic of the Congo led to significant reduction in the size of the suspected hazardous areas from 14,133,348 square metres to 1,800,000 square metres.

14. The request indicates, as did the request granted in 2011, that the release of land has been carried out through non-technical and technical survey. The request further indicates that operators have employed their own standard operating procedures, and have been complying with national standards in carrying out non-technical and technical surveys. The release of land is also carried out through demining/complete clearance of minefields through the following six steps: surveys (level 1 and 2), preparation of sites for demining (implementation plan), demining/clearance, quality management and post-demining inspection, land release, and post-clearance documentation (report and map making). The request also indicates that, to date, the clearance methods used include manual demining (with detector, prodder and manual excavation) and mechanical demining, both including the use of mine detection dogs (MDD). The request further indicates that, in close collaboration with the coordination of the Congolese Mine Action Centre (CCLAM), land is released to the authorities through the establishment of quality documents, which are prepared by the operators under the guidance of the CCLAM's Quality Management Department, signed jointly by the operator in charge of implementation, the local chiefs representing the owners/users/direct beneficiaries of the cleared land, and a representative of the National Authority. The analysing group noted the variety of references to survey types in the request (e.g., non-technical survey, technical survey, Level 1 Survey, Level 2 Survey, GMAS, GMAA, etc.) and noted the importance of clarifying how each survey related to the imperative to ascertain whether there is evidence that would to classifying areas as confirmed hazardous areas or suspected hazardous areas.

15. The request indicates that the Democratic Republic of the Congo has made efforts to improve coordination and that in this regard, law 11/007 of 9 July 2011 on the implementation of the Convention in the Democratic Republic of the Congo establishes a national mine action commission composed of four ministries and the Congolese Mine Action Centre (CCLAM) as the national focal point for the coordination of all mine action activities in the Democratic Republic of the Congo. The request also indicates that a national strategic plan for the period 2012-2016 was adopted and that it was accompanied by a multiyear work plan and by a transition plan to be implemented by the end of 2014 by the United Nations Mine Action Coordination Centre in the Democratic Republic of the Congo. The request also indicates that 24 national mine action standards were developed and that a new standard on land release is currently being developed. The request further indicates that, every three months, coordination meetings with all the mine action operators present in the Democratic Republic of the Congo are held. The analysing group noted that the Democratic Republic of the Congo fulfilled its commitment to finalise a national strategy and adopt national standards, as committed in the request granted in 2011. The

analysing group further noted the importance of the Democratic Republic of the Congo finalising the development of a national standard on land release.

16. The request indicates that the Democratic Republic of the Congo has made efforts to improve information management and that, in this regard and in planning for the implementation of the transition plan, the national programme's Head of Information Management Department has gone through the Level A1 Administrator course with the support of the GICHD, in Mozambique. The request further indicates that six information management officers have been trained by NPA and UNMACC.

17. The request indicates that the Democratic Republic of the Congo has complied with the international and national mine action standards to release land and conduct demining operations, although in the absence of a national standard on land release. The request also indicates that the Democratic Republic of the Congo has a quality assurance and control service that, in addition to accrediting demining organisations, is charged with validating areas that have been cleared. The request indicates that the UNMACC, in close collaboration with the CCLAM, has established five regional operations offices, with these mainly responsible for managing quality assurance in their respective regions. The request indicates that these regional operations offices deploy teams to check the demining area when demining operations are almost complete, where, in the presence of the operator, these teams complete quality control documentation. The request also indicates that if required standards are met, the work is accepted and the operator is discharged. If standards are not met, the operator is required to return to the area in order to present it later for renewed inspection. The request also indicates that following all these steps, a joint CCLAM / UNMACC team is deployed for final validation of the work conducted. The request further indicates that, depending on priorities, the urgency and the availability of land from one community to another, total land release or partial land release to the local authorities is carried out. The request also indicates that six quality assurance inspectors detached from the Democratic Republic of the Congo's Armed Forces (FARDC) have been trained in Benin and they carry out their task of quality inspectors rotating amongst the five regional offices.

18. The request indicates that, in terms of operational capacity, the Congolese National Police and the Engineering Unit of the FARDC work in close cooperation with the CCLAM. The request also indicates that several training courses have been organised in the Democratic Republic of the Congo and abroad for personnel detached from the FARDC, including the Operations Chief and the CCLAM's Quality Inspectors As well, more than 70 EOD experts and deminers have been trained with technical support from UNMACC, MAG and NPA.

19. The request indicates that the mined areas block, for the most part, access to farm land (95 percent), and, to a lesser extent, roads and paths (5 percent). The request also indicates that the humanitarian, social, economic and environmental implications of areas known or suspected to contain mines are most felt in the northeastern parts of Katanga, in Kisangani, in the territories of Dimbelenge and Dekese, the northern part of Maniema province and the south-eastern part of Equateur where the presence of anti-personnel mines is still a major obstacle to agricultural and economic activities in the most affected communities. The request also indicates that refugees and internally displaced people are also impacted by mines. The request further indicates that to this day, more than 2,500 mines and other ERW victims have never received adequate assistance.

20. As noted, the Democratic Republic of the Congo requests a six-year extension, until 31 December 2020. The purpose of this requested period is to (a) conduct technical surveys and clear the 130 identified mined areas; and, (b) conduct non-technical and technical surveys as well as clear and/or release areas in the territories of Aru and Dungu in the Oriental province. The implementation of the plan depends on the financial situation,

logistical issues, the security situation and geography (dense vegetation, changeable climate with heavy rainy seasons). The request further indicates that from an operational point of view, taking into account the history of demining in the Democratic Republic of the Congo, operational capacity, and financial resources allocated to demining between 2009 and 2013, approximately 47 months would be needed to free the Democratic Republic of the Congo from mine contamination, keeping the same operators working at the same pace without interruption. The request further indicates that additional time would be required to conduct non-technical and technical survey in the Aru and Dungu territories, hence a requested period of 6 years.

21. The analysing group noted that the Democratic Republic of the Congo was projecting that it would need approximately four years from 1 January 2015 to address the 130 identified areas and that additional time would be necessary to clarify the remaining implementation challenge in the two territories of the Oriental Province that could not be accessed during the national survey. The analysing group noted the importance of the Democratic Republic of the Congo keeping the States Parties apprised of changes in the security situation in the territories of Aru and Dungu which would enable survey and clearance activities to take place.

22. The request indicates, as did the request granted in 2011, that the circumstances that have impeded implementation in the initial ten-year period include two major factors: the lack of adequate training for the conduct of surveys and random or uncoordinated employment of assets of organisations involved in surveys. The request further indicates that these impeding circumstances led to surveys carried from 2002 being incomplete, unsystematic and having unreliable results due to the surveys being marked by a lack of precision and an overestimation of the dimensions of the suspected areas. The request also indicates that this issue has been exasperated by (a) the lack of registries and maps of maps laid by the warring parties; (b) the size of the Democratic Republic of the Congo; (c) the poor state of road infrastructure, with most roads being unpaved and in poor condition; (d) difficult meteorological conditions; (e) high and dense vegetation in some suspected or confirmed mined areas rendering difficult the demining operations and technical surveys and slowing the rate of demining; (f) insufficient funding; and (g) other humanitarian emergencies, such as the return of refugees and war displaced.

23. The request indicates that based on the history of demining in the Democratic Republic of the Congo, it can be concluded that at least 30 percent of areas suspected to be mined can be released following technical survey. The request further indicates that, as a result, the total area to be demined can be estimated to be approximately 1.3 million square metres. Based on these estimates, annual projections for demining are as follows: 319,304 square metres in 2015, 270,000 square metres in 2016, 220,000 square metres metres in 2017, 190,000 square metres in 2018, 150,000 square metres in 2019 and 130,000 square metres in 2020. The analysing group noted that the annual projections in the request do not include projections for land to be released by technical survey.

24. The request indicates that an operational plan will established through the revision of the national strategic plan 2012-2016, which is scheduled to take place by the start of the extension period. This plan will take into account the country's priorities focusing on the release of inhabited and agricultural areas, areas for road infrastructure rehabilitation, and areas for the return of refugees and war displaced.

25. The request indicates that the plan will be implemented by (a) the Congolese National Mine Action Centre (CCLAM), which will coordinate, plan and follow up all mine action activities in the Democratic Republic of the Congo, (b) UNMAS, which will support the government in its coordination activities and WHICH will support CCLAM in strengthening its capacity, and (c) national and international operators, including non-governmental organisations and commercial companies, engaged in demining, mine risk

education and victim assistance activities. The request further indicates that the Democratic Republic of the Congo intends to use the existing capacity of operators present in the country and to involve more elements of the Democratic Republic of the Congo's Armed Forces and of the Congolese National Police. In addition, the request indicates that the Democratic Republic of the Congo intends to reinforce the capacities of the CCLAM, to ensure that the transition period with the UN Mine Action Coordination Centre comes to an end, to reinforce and consolidate the partnership between international and national non-governmental organisations and to finalise the land release standard. The analysing group noted the importance of the Democratic Republic of the Congo strengthening its national capacity to be able to efficiently implement its operational plan.

26. The request indicates that the total cost for activities planned during the period of the extension amounts to around US$ 20 million, with US$ 19,431,730 for demining activities and US$ 568,270 dollars for survey and demining in the Aru and Dungu territories in the Oriental province. The request further indicates that annual costs decrease as the areas to be addressed decrease in size. The request also indicates that the government of the Democratic Republic of the Congo has committed to contribute around US$ 600,000 per year to cover expenses linked to the functioning of the programme, including coordination activities. The request indicates that CCLAM intends to encourage the government to increase the budget line linked to these activities and diversify its contribution to also cover operational aspects of the work, to use national coordination meetings to mobilise resources in close cooperation with UNMAS, to organise meetings in cooperation with UNMAS in the margins of international meetings to attract support from donors and to accompany national and international operators in their efforts to mobilise funds with their traditional partners. The analysing group welcomed the commitment of the government of the Democratic Republic of the Congo to provide around $600,000 annually during the period of the extension to cover functioning expenses of the programme. As concerns resource mobilisation, the analysing group noted the commitment of the Democratic Republic of the Congo to implement a resource mobilisation strategy and noted the importance of keeping the States Parties apprised of steps taken to fulfil these commitments.

27. The request indicates that the implementation of the plan depends on the assumption that the current available capacity will increase during the extension period, allowing for the creation of additional demining units.

28. The analysing group noted that the Democratic Republic of the Congo had made great efforts to largely comply with the commitment it had made, as recorded by the decisions of the 11MSP, to garner an understanding of the true remaining extent of the challenge and to produce a detailed plan that precisely projects the amount of time that will be required to complete Article 5 implementation. However the analysing group noted that while steps have been taken to clarify the remaining challenge and while annual demining projections have been prepared, a detailed annual work plan for survey and clearance leading to completion is missing. The analysing group noted the commitment of the Democratic Republic of the Congo to establish an operational plan by 1 January 2015 and, in this regard, the analysing group noted that the Convention would benefit from the Democratic Republic of the Congo submitting to the States Parties, by 30 April 2015, a clear and detailed survey and clearance plan leading to completion.

29. The analysing group noted that the Convention would benefit also from the Democratic Republic of the Congo informing the States Parties, on an annual basis, as relevant, on the following:

(a) The number, location and size of remaining mined areas, plans to clear or otherwise release these areas and information on areas already released, disaggregated by release through clearance, technical survey and non-technical survey.

(b) Efforts to mobilise funding to contribute to covering the costs of implementing the Democratic Republic of the Congo's national plans for survey and mine clearance,

(c) Efforts undertaken to strengthen national capacity to implement the Democratic Republic of the Congo's national plan, and,

(d) Whether circumstances which had previously impeded the timely implementation of the Convention were continuing to affect the fulfilment of the Democratic Republic of the Congo's obligations.